

STATE OF NORTH DAKOTA
NORTH DAKOTA LEGISLATIVE COUNCIL
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0360

Request for Proposal (RFP)

WORKFORCE SYSTEM STUDY

Date of Issue: November 19, 2007

Purpose of RFP: North Dakota Legislative Council (NDLC) and Department of Commerce (DOC) are seeking a qualified vendor to provide personal services to assist in performing the North Dakota Legislative Council's Workforce System Study in accordance with Section 20 of 2007 House Bill No. 1018.

Procurement Officer: Mr. Jay E. Buringrud

SECTION ONE - INTRODUCTION AND INSTRUCTIONS

1.01 Purpose of RFP

The North Dakota Legislative Council (NDLC) and the Department of Commerce (DOC) are seeking a qualified vendor to provide personal services to assist NDLC's Workforce Committee and DOC in conducting the Workforce System Study in accordance with Section 20 of 2007 House Bill No. 1018.

1.02 Contact Person, Telephone, Fax, E-mail

The Procurement Officer is the point of contact for this RFP. All vendor communications regarding this RFP must be directed to the Procurement Officer.

Procurement Officer: Mr. Jay E. Buringrud

Telephone: 701-328-2916

TTY users call: 7-1-1

Fax: 701-328-3615

E-mail: jburingrud@nd.gov

1.03 RFP Schedule

The approximate RFP schedule is as follows:

- RFP Issued: Monday, November 19, 2007.
- Deadline for receipt of questions related to the RFP: Noon (CST), Thursday, December 6, 2007.
- Responses to questions and RFP amendments: 5:00 p.m. (CST), Friday, December 7, 2007.
- Proposals due by 5:00 p.m. (CST), Monday, December 10, 2007.
- Proposal evaluation completed by approximately Friday, December 14, 2007.
- NDLC issues contract by approximately: Friday, January 4, 2008.
- Contract start: Upon finalization of contract.

1.04 Deadline and Mailing Address

Vendors must submit four paper copies of their proposal. The proposal must be submitted in a sealed envelope or package. Cost proposals are to be submitted in a separate sealed envelope or package, clearly labeled "cost proposal." Proposals must be received by NDLC at the location specified no later than 5:00 p.m. (CST) on Monday, December 10, 2007. Proposals will not be publicly read at the opening.

Envelopes or packages containing proposals must be clearly addressed as follows:

NORTH DAKOTA LEGISLATIVE COUNCIL
ATTN: Mr. Jay E. Buringrud
Request for Proposal (RFP): Workforce System Study
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0360

Proposals may not be delivered orally, by facsimile transmission, or by other telecommunication or electronic means. Vendors may fax or electronically transmit signed proposals to a third party who shall deliver the proposal to the location indicated above by the date and time designated as the deadline for receipt of proposals.

Vendors assume the risk of the method of dispatch chosen. NDLC assumes no responsibility for delays caused by any delivery service. Postmarking by the due date will not substitute for actual proposal receipt by NDLC. A vendor's failure to submit its proposal before the deadline will cause the proposal to be rejected. Late proposals or amendments will not be opened or accepted for evaluation.

1.05 Assistance to Vendors With a Disability

Vendors with a disability who need an accommodation should contact the Procurement Officer before the deadline for receipt of proposals so that reasonable accommodation can be made.

1.06 Electronic Posting of RFP

The RFP, any amendments to the RFP, and all questions submitted with responses will be posted on the following web site www.legis.nd.gov/RFP. Vendors are encouraged to check that web site periodically for any updates related to this RFP.

1.07 Approved Vendor Registration Requirements

Proposals will be accepted from vendors that are not currently approved vendors on the state of North Dakota's bidders list; however, the successful vendor will be required to become approved before award.

To become an approved vendor, the vendor must: 1) be registered with the North Dakota Secretary of State (fees apply) and 2) submit a completed Approved Bidder Application to the North Dakota Vendor Registry office. Prospective vendors may access the data base online to verify whether their firm is currently on the bidders list.

The Vendor Registry data base, registration instructions, and forms are available online at www.nd.gov/spo/vendor/registry/. Contact the Vendor Registry office at 701-328-2773 or infospo@nd.gov for assistance.

The successful vendor shall register and become approved within 30 calendar days from the date of the Notice of Intent to Award. If a vendor fails to become approved by the time specified by the Procurement Officer, the vendor's proposal will be determined to be nonresponsive, and the vendor's proposal will be rejected.

SECTION TWO - BACKGROUND AND SCOPE OF WORK

2.01 Background Information

During the 2003-04 interim, the NDLC Economic Development Committee conducted the first business climate study with the assistance of a vendor providing personal services. During the 2005-06 interim, the NDLC Economic Development Committee continued this business climate study and contracted for personal services from the same individual who provided the services during the 2003-04 interim and contracted with a second vendor who provided personal services under the guidance of the other vendor.

Information regarding the 2003-04 and 2005-06 interim activities of the NDLC Economic Development Committees are available online at www.legis.nd.gov/council/interim/.

During the 2007-08 interim, the NDLC Workforce Committee, with the assistance of DOC, will be conducting a workforce system study instead of conducting a third business climate study. The NDLC and DOC seek a vendor that has knowledge of other states' best practices related to workforce, workforce availability, and other workforce-related issues and how these workforce-related issues may impact and be related to the state's business community, North Dakota University System, state's workforce system, state's business climate, and the state's current and future workforce laws.

2.02 Scope of Work

NDLC and DOC are seeking a qualified vendor to provide services to assist NDLC and DOC to provide personal services for the NDLC Workforce Committee during the 2007-08 interim and to be available to consult with NDLC and DOC as necessary during the 2009 regular legislative session. The qualified vendor will plan, facilitate, report on, and coordinate followup for the focus groups and the Workforce Congress conducted in accordance with Section 20 of House Bill No. 1018 (Appendix).

The tentative dates and locations for the focus groups include:

- Focus Group 1 - Minot, North Dakota, Wednesday, January 23, 2008;
- Focus Group 2 - Dickinson, North Dakota, Thursday, January 24, 2008;
- Focus Group 3 - Grand Forks, North Dakota, Tuesday, February 5, 2008;
- Focus Group 4 - West Fargo, North Dakota, Wednesday, February 6, 2008; and
- Focus Group 5 (health care) - Jamestown, North Dakota, Thursday, February 7, 2008 (tentative).

The Workforce Congress must be held before June 1, 2008. The tentative goal is to conduct the Workforce Congress in Bismarck, North Dakota, during April 2008.

The focus groups will discuss ways to enhance the state's system for addressing workforce needs, including consideration of workforce availability, skilled workforce needs, future workforce needs, and alignment of the state's higher education curriculum with the state's current and future workforce needs. The contractor shall compile the results of the focus groups in a report for presentation to the Workforce Congress. The Workforce Congress will identify methods to enhance the state's workforce system in order to be well-positioned to participate in a knowledge-driven economy and to be globally competitive and will evaluate the impact and effectiveness of the state's existing workforce system.

The successful contractor shall work with NDLC and DOC to undertake the following activities:

- Develop topics and methodology to be covered in the focus groups and the procedures for conducting each focus group.
- Develop the agenda for each focus group.
- Assist in identifying focus group and Workforce Congress participants.
- Determine the facilities for conducting the focus groups and the Workforce Congress.
- Facilitate the focus group discussions and the Workforce Congress.
- Develop the final report of the findings and recommendations of the focus groups.
- Present the final report of the focus groups to the Workforce Congress.

- Follow up on the focus group and Workforce Congress activities, including development of a Workforce Congress summary and assist in development of a legislative package.
- Present the focus group and Workforce Congress findings and recommendations and the legislative package to the NDLC Workforce Committee.

It is anticipated the successful contractor will be physically present in North Dakota to facilitate the four or five focus groups, to facilitate the Workforce Congress, and to provide the focus group and Workforce Congress findings and recommendations and the legislative package to the NDLC Workforce Committee. Additionally, the successful contractor will be expected to provide services to NDLC and DOC in writing and telephonically during the course of the project.

SECTION THREE - GENERAL CONTRACT INFORMATION

3.01 Contract Term

NDLC intends to enter a signed contract for this RFP. The effective date will be as soon as possible (no later than Tuesday, January 22, 2008) and the contract will run through the final day of the 2009 regular legislative session.

3.02 Standard Contract Provisions

The successful vendor will be required to sign a contract. Part or all of this RFP and the successful proposal may be incorporated into the contract. NDLC and DOC reserve the right to add, delete, or modify terms and conditions during contract negotiations. These terms and conditions will be within the scope of the RFP and will not affect the proposal evaluation.

3.03 Contract Approval

This RFP does not by itself obligate NDLC or the state. NDLC's obligation will commence when NDLC and DOC approve the contract.

3.04 Taxes and Taxpayer Identification

The successful contractor shall provide a valid Vendor Tax Identification Number as a provision of the contract. NDLC and DOC are not responsible for and will not pay local, state, or federal taxes.

3.05 Proposal Payment Procedures

DOC will make payments based on a negotiated installment payment schedule. Each billing must consist of an invoice and progress report. DOC will not make advanced payments before performance by the contractor under the contract.

3.06 Contract Personnel

NDLC must first approve any change of the contractor's project team members named in the proposal in advance and in writing. Personnel changes that are not approved by NDLC may be grounds for NDLC to terminate the contract. The contractor may not assign or otherwise transfer or delegate any right or duty without NDLC express written consent.

3.07 Open Records Laws - Confidentiality

Any records that are obtained or generated by the contractor under the contract resulting from this RFP are subject to North Dakota open records laws regarding public records.

3.08 Contract Personnel

The contractor resulting from this RFP is an independent entity and is not a state employee for any purpose. The contractor retains sole and absolute discretion in the manner and means of carrying out the contractor's activities and responsibilities under the contract, except to the extent specified in the contract.

SECTION FOUR - EVALUATION CRITERIA AND PROPOSAL

4.01 Criteria

The selection evaluation criteria for the RFP are:

1. Cost - 30 percent.
2. Experience of the vendor and any team members assigned to the project - 15 percent.
3. Proposed design of the focus group process and Workforce Congress procedures and suggested changes to these procedures - 20 percent.
4. Proposed design of the final report, Workforce Congress summary, and followup services - 20 percent.
5. Familiarity of the vendor with other states' best practices related to workforce, workforce availability, and other workforce-related issues and how these workforce-related issues may impact and be related to the state's business community, North Dakota University System, state's workforce system, state's business climate, and the state's current and future workforce laws - 15 percent.

4.02 Experience and Qualifications

Vendors shall describe their experience in completing similar projects. Additionally, vendors shall provide information specific to the personnel assigned to accomplish the work called for in this RFP. Vendors must provide a personnel roster that identifies each individual who will actually work on the project, including that individual's title, experience, and role in the project.

Vendors shall provide references for similar projects the vendor has completed. NDLC and DOC reserve the right to contact any references provided by the vendor. Vendors are invited to provide letters of reference from previous clients.

Vendors must complete a cost proposal that includes a breakdown of the costs related to the professional services and the anticipated costs related to travel, lodging, meals, and incidentals. NDLC and DOC are not responsible for any cost associated with the preparation or submittal of any proposal.

SECTION FIVE - PROPOSAL FORMAT AND CONTENT

5.01 Introduction

Proposals must include the complete name and address of vendor's firm and the name, mailing address, and telephone number of the individual NDLC and DOC should contact regarding the proposal.

Proposals must confirm that the vendor will comply with all provisions in this RFP. The proposal must disclose any instances in which the firm or any individual working on the contract has a possible conflict of interest and, if so, the nature of that conflict, e.g., employed by the state of North Dakota.

Proposals must be signed by a company officer empowered to bind the company. A vendor's failure to include these items in the proposal may cause the proposal to be determined to be nonresponsive and the proposal may be rejected.

5.02 Understanding of the Project

Vendors must provide comprehensive narrative statements that illustrate their understanding of the requirements of the project, deliverables, project schedule, and contract terms and conditions. Vendors shall also identify any pertinent issues and potential problems related to the project.

5.03 Methodology Used for the Project

Vendors shall provide comprehensive narrative statements that set out the methodology they intend to employ. Vendors shall illustrate how the methodology will serve to accomplish the work and provide the deliverables described in the scope of work within the project schedule.

5.04 Experience and Qualifications

Vendors shall describe the experience of their firm in completing similar projects. Additionally, vendors shall include information specific to the personnel assigned to accomplish the work requested in this RFP. Vendors shall provide a narrative description of the organization of the project team and a personnel roster that identifies each individual who will actually work on the contract and provide the following information about each individual listed:

1. Title;
2. Resume; and
3. Description of the type of work the individual will perform.

If a vendor intends to use subcontractors, the vendor shall identify in the proposal the names of the subcontractors and the portions of the work the subcontractors will perform.

Vendors shall provide at least one reference name and telephone number for similar projects the vendor's firm has completed. NDLC and DOC reserve the right to contact any references provided by the vendor. Vendors are invited to provide letters of reference from previous clients.

5.05 Cost Proposal

Cost proposals must include an itemized list of all direct and indirect costs associated with the performance of the contract. All costs associated with the contract must be stated in United States currency.

SECTION SIX - STANDARD PROPOSAL INFORMATION

6.01 Authorized Signature

An individual authorized to bind the vendor to the provisions of the RFP shall sign all proposals.

6.02 State Not Responsible for Preparation Costs

NDLC and DOC will not pay any cost associated with the preparation, submittal, presentation, or evaluation of any proposal.

6.03 Conflict of Interest

Vendors shall disclose any instances in which the firm or any individual working on the contract has a possible conflict of interest and, if so, the nature of that conflict, e.g., employed by the state of North Dakota. NDLC and DOC reserve the right to cancel the award if any interest disclosed from any source could either give the appearance of a conflict or cause speculation as to the objectivity of the vendor's proposal. NDLC's determination regarding any questions of conflict of interest is final.

6.04 Vendor's Certification

By signature on the proposal, a vendor certifies the proposal and the vendor complies with:

- The laws of the state of North Dakota;
- The North Dakota Administrative Code;
- All applicable local, state, and federal laws, code, and regulations;
- The applicable portion of the Federal Civil Rights Act of 1964;
- The Equal Employment Opportunity Act and the regulations issued by the federal government;
- The Americans with Disabilities Act of 1990 and the regulations issued by the federal government;
- All terms, conditions, and requirements set forth in this RFP;
- A condition that the proposal submitted was independently arrived at, without collusion;
- A condition that the offer will remain open and valid for the period indicated in this solicitation; and
- A condition that the firm and any individuals working on the project do not have a possible conflict of interest, e.g., employed by the state of North Dakota.

If a vendor fails to comply with the provisions stated in this paragraph, NDLC reserves the right to reject the proposal, terminate the contract, or consider the contractor in default.

6.05 Amendments to Proposals and Withdrawals of Proposals

Vendors may amend or withdraw proposals before the deadline set for receipt of proposals. An amendment will not be accepted after the deadline unless the amendment is in response to the NDLC's request. After the deadline, a vendor may make a written request to withdraw a proposal and provide evidence that a substantial mistake has been made. The procurement officer may permit withdrawal of the proposal upon verifying that a substantial mistake has been made.

6.06 Alternate Proposals

Vendors may submit more than one proposal for evaluation.

6.07 Disclosure of Proposal Contents and Compliance With North Dakota Open Records Laws

All proposals and other material submitted become the property of the state and may be returned only at the state's option. All proposals and related information, including detailed cost information, are exempt records and will be held in confidence until an award is made in accordance with North Dakota Century Code Section 54-44.4-10(2).

Vendors may make a written request that trade secrets and other proprietary data contained in proposals be held confidential. Material considered confidential by the vendor must be clearly identified, and the vendor shall include a brief statement that sets out the reasons for confidentiality.

After award, proposals will be subject to the North Dakota open records law. Records are closed or confidential only if specifically stated in law. If a request for public information is received, the Procurement Officer will determine whether the information is an exception to the North Dakota open records law, and the information will be processed appropriately.

6.08 Evaluation of Proposals

All proposals will be reviewed to determine if they are responsive to the requirements of this solicitation. The Procurement Officer or a proposal evaluation committee will evaluate responsive proposals. The evaluation will be based on the evaluation factors set forth in this RFP. The evaluation will consider information obtained subsequent to any discussions with vendors determined to be reasonable for award.

6.09 Right of Rejection

NDLC and DOC reserve the right to reject any proposals, in whole or in part. The Procurement Officer may waive minor informalities that do not affect responsiveness; are merely a matter of form or format; do not change the relative standing or otherwise prejudice other offers; do not change the meaning or scope of the RFP; are insignificant, negligible, or immaterial in nature; do not reflect a material change in the work; or do not constitute a substantial reservation against a requirement or provision. NDLC and DOC reserve the right to reject any proposal determined to be not responsive and to reject the proposal of a vendor determined to be not responsible. NDLC and DOC also reserve the right to refrain from making an award if doing so is determined to be in the state's best interest.

6.10 Clarification of Offers

In order to determine if a proposal is reasonably susceptible for award, communications by the Procurement Officer or the proposal evaluation committee are permitted with a vendor to clarify uncertainties or eliminate confusion concerning the contents of a proposal and determine responsiveness to the RFP requirements. Clarifications may not result in a material or substantive change to the proposal. The initial evaluation may be adjusted because of a clarification under this section.

After receipt of proposals, if there is a need for any substantial clarification or material change in the RFP, an amendment will be issued. The amendment will incorporate the clarification or change and a new date and time established for new or amended proposals. Evaluations may be adjusted as a result of receiving new or amended proposals.

6.11 Contract Negotiation

After final evaluation, the Procurement Officer may negotiate with the vendor of the highest-ranked proposal. Negotiations, if held, will be within the scope of the request for proposal and limited to those items that would not have an effect on the ranking of proposals. If the highest-ranked vendor fails to provide necessary information for negotiations in a timely manner, or fails to negotiate in good faith, NDLC and DOC may terminate negotiations and negotiate with the vendor of the next highest-ranked proposal.

6.12 Failure to Negotiate

If the selected vendor fails to provide the information required to begin negotiations in a timely manner, fails to negotiate in good faith, indicates it cannot perform the contract within the budgeted funds available for the project, or if the vendor and NDLC and DOC, after a good-faith effort cannot come to terms, NDLC and DOC may terminate negotiations with the vendor initially selected and commence negotiations with the next highest-ranked vendor.

6.13 Notice of Intent to Award - Vendor Notification of Selection

After the completion of contract negotiation, the Procurement Officer will issue a written Notice of Intent Award and send copies to all vendors. The Notice of Intent to Award will set out the names and addresses of all vendors and identify the proposal selected for award. The scores and placement of other vendors will not be part of the Notice of Intent to Award.

SECTION 20. LEGISLATIVE COUNCIL STUDY - NORTH DAKOTA WORKFORCE SYSTEM INITIATIVE.

1. During the 2007-08 interim, the legislative council shall study the state's system for addressing workforce needs through a workforce system initiative. The workforce system initiative must include receipt of agency reports regarding implementation of workforce legislation enacted during the 2007 legislative session, active participation in focus groups across the state, and active participation in a workforce congress.
2. The focus groups shall discuss ways to enhance the state's system for addressing workforce needs, including consideration of workforce availability, skilled workforce needs, future workforce needs, and alignment of the state's higher education curriculum with the state's current and future workforce needs. The workforce congress shall receive a report on the activities of the focus groups, identify methods to enhance the state's workforce system in order to be well-positioned to participate in a knowledge-driven economy and to be globally competitive, and evaluate the impact and effectiveness of the state's existing workforce system.
3. The department of commerce shall organize the focus groups and the workforce congress. Before the workforce congress, which must be held before June 1, 2008, the department shall convene a minimum of four focus groups. The department shall consult with the legislative council in compiling focus group and workforce congress participant invitation lists and drafting and distributing invitations, establishing focus group and workforce congress dates and locations, and preparing agendas for focus groups and the workforce congress. The focus groups and the workforce congress schedules and activities must take into consideration workforce study activities of the department.
4. The legislative council and the department of commerce shall enter a joint contract with a third party to provide the legislative council and the department with professional services to plan, facilitate, report on, and coordinate followup for the focus groups and workforce congress. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.